

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAVAN DEVORE, et al.,

Case No. 13-cv-01841 RS

Plaintiffs,

**ORDER DENYING MOTION TO
STAY AND CONTINUING CASE
MANAGEMENT CONFERENCE**

v.

PROSPECT MORTGAGE, LLC,

Defendant.

Defendant's motion to stay this action pending a decision by the Judicial Panel on Multidistrict Litigation as to whether it will be transferred to a coordinated proceeding is suitable for disposition without oral argument, pursuant to Civil Local Rule 7-1(b). The hearing set for October 7, 2013 is therefore vacated.

A court is not deprived of its jurisdiction or otherwise limited in its ability to proceed with a case merely because a party has filed a motion for consolidation with the MDL panel. *In re Air Crash Disaster at Paris, France, on March 3, 1974*, 376 F. Supp. 887, 888 (J.P.M.L. 1974). Nevertheless, courts have the inherent authority to stay proceedings as a way "to control [their] docket and promote efficient use of judicial resources." *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). District courts considering virtually identical stay motions in other actions like this growing out of the *Sliger* de-certification

1 stipulation have reached inconsistent results. Given that the decision to grant such stays is entirely
2 discretionary, this is unsurprising.

3 Although the question is close, in light of plaintiffs' representations that there will be no
4 motion practice herein, the stay will be denied. Because all plaintiffs in the post-*Sliger* actions are
5 represented by the same counsel, and because individualized discovery will be required regardless
6 of the forum, the risk of duplicative or ultimately wasteful discovery is minimal. The parties also
7 have already engaged in their Rule 26(f) conference and the initial disclosure process. While a
8 scheduling order has not been entered, and will not be entered, delaying plaintiffs' initial discovery
9 efforts would not be warranted. The initial Case Management Conference, however, will be
10 continued to January 9, 2014, at 10:00 a.m., with the expectation that a decision by the MDL panel
11 will issue prior to that date.

12
13 IT IS SO ORDERED.

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15 Dated: 10/3/13



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE